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on March 26, 2002

TOWNSEND and TOWNSEND and CREW LLP

By Nancy A. Pizzo

NANCY A. PIZZO



PATENT

Attorney Docket No.: 18158-012610  
Client No.: VX-1137 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

CAUDLE, GEORGE

Application No.: 10/053,513

Filing Date: November 2, 2001

For: TEMPERATURE ACTUATED POSITIONING DEVICE  
FOR NON-LINEAR OPTICAL ELEMENTS

Examiner: Unassigned

Art Unit: Unassigned

**PETITION FOR RECOGNITION  
OF COMPLETE APPLICATION  
FILING**

04/15/2002 BAERAHAI 00000057 201430 10053513

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

Applicant respectfully request that the above-referenced application be recognized as having been complete when filed on November 2, 2001. A Notice of Incomplete Non-Provisional Application was mailed from the U.S. Patent Office regarding this application on March 11, 2002, and a copy of the Notice is enclosed. Applicants contend that all pages were in fact deposited in the U.S. Patent Office with the non-provisional application papers per option I of the Notice of Incomplete Non-Provisional Application (see paragraph at the bottom of page 1).

Authorization for a \$130.00 petition fee pursuant to 37 C.F.R. §1.178(h) is provided herewith, and this document is being filed prior to May 11, 2002 (within 2 months of the date of the Notice of Incomplete Non-Provisional Application). Please charge the fee of \$130.00 to the undersigned's Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in duplicate.

Documents establishing that the application was complete when filed are attached herewith, and are outline below. As an initial matter, Applicant note that the above-referenced application was filed on November 2, 2001. Applicants and the receiving branch are aware of the

difficulties caused by the tragedy of September 11<sup>th</sup>, and believe that the ensuing re-routing and treatment of potential anthrax-exposed mail may have resulted in the loss of the missing pages from the U.S. Patent Office files.

For the convenience of the Receiving Branch, copies of the following documents are enclosed:

- a single page transmittal for Utility Patent Application;
- a one-page Fee Transmittal;
- a one-page Certificate of Mailing;
- a one-page Declaration (unsigned);
- a two-page Application Data Sheet (ADS);
- a twelve-page Specification (including claims and abstract) as originally filed on November 2, 2001;
- two sheets of informal drawings;
- a return-receipt postcard as stamped by the U.S. Patent Office on February 11, 2002; and
- Express Mail Receipt No. EL525753433, dated November 2, 2001.

As indicated on the date-stamped postcard, this Application was processed into the U.S. Patent Office system on February 11, 2002, *more than 3 months* after the filing date of November 2, 2001. Also indicated on the date-stamped postcard are the presence of all 12 pages of the Specification as originally filed for the above-referenced application. Applicants note that the Certificate of Mailing under 37 C.F.R. §1.8, as signed by Daniel Miranda, also explicitly indicates that 12 pages of the Specification were deposited with the U.S. Postal Service as Express Mail No. EL525753433US. The copy of the Express Mail receipt as date-stamped on November 2, 2001 by the U.S. Post Office in Palo Alto, California is included on the same page as the copy of the postcard.

In light of the above, Applicants respectfully petition that the U.S. Patent Office acknowledge that the enclosed documents were in fact deposited on the filing date of November 2, 2001. A copy of the Notice of Incomplete Non-provisional Application is enclosed.

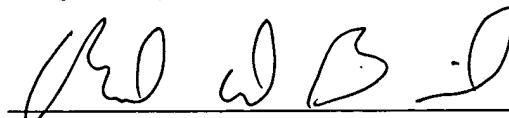
Applicant's note that the Notice of Incomplete Non-provisional Application alleges that the Specification, as processed by the Receiving Branch did not include at least one claim. Pages 10 and 11 of the Specification, as enclosed and as originally filed on November 2, 2001, include 9 claims. Once again, the presence of pages 10 and 11 in the originally filed application are indicated by the 12 total pages of Specification specified in the Certificate of Mailing *and* on the date-stamped postcard for this case.

For the convenience of the U.S. Patent Office, we are also enclosing a copy of the following documents:

- a Declaration (with ADS) signed by the inventor;
- an Assignment of Application by the inventor with Recordation Cover Sheet;
- a Power of Attorney; and
- Statement under 37 C.F.R. §3.73(b).

If Applicants can be of any assistance in clarifying the status of the subject application, or if any other documents would be helpful in resolving this matter, the U.S. Patent Office is encouraged to call the direct number for Applicants' undersigned representative: (650) 324-6370.

Respectfully submitted,



MARK D. BARRISH, ESQ.  
Reg. No. 36,443

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400 • Fax: (650) 326-2422  
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